

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA (PITTSBURGH)**

SUSAN BARTKO,
Plaintiff,

CASE NO. 2:22-cv-239
ELECTRONICALLY FILED

vs.

Judge

TD BANK USA, N.A., and
TRANSUNION, LLC,
Defendants.

TRANS UNION, LLC'S NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, Defendant Trans Union, LLC ("Trans Union") hereby removes the subject action from the Court of Common Pleas of Allegheny County, Pennsylvania, to the United States District Court for the Western District of Pennsylvania, on the following grounds:

1. On January 20, 2022, Plaintiff Susan Bartko filed her Complaint in the Court of Common Pleas, Allegheny County, Pennsylvania. On January 20, 2022, Plaintiff Susan Bartko Plaintiff served her Complaint upon Trans Union.¹ Copies of the Notice To Defend, Summons and Complaint are attached hereto, redacted pursuant to Federal Rule of Civil Procedure 5.2, as **Exhibit A**, **Exhibit B** and **Exhibit C**. No other process, pleadings or orders have been served on Trans Union.

¹ Plaintiff previously served Trans Union with a Praecipe For Writ Of Summons (the "Summons") on or about November 12, 2021. Trans Union confirmed at that time with Plaintiff's counsel that the Complaint had not yet been prepared and, therefore, had not been filed with the Court of Common Pleas. Within the Summons, there was no indication that this Court has original jurisdiction over Plaintiff's civil action because the Summons does not reference claims arising under the Constitution, laws, or treaties of the United States, or any other basis that would identify or even infer what the claims were or that this Court would have jurisdiction over those claims.

2. Plaintiff makes claims under, alleges that Trans Union violated and alleges that Trans Union is liable under the Fair Credit Reporting Act, 15 U.S.C. § 1681 et seq. (the “FCRA”). See Complaint ¶¶ 35-42.

3. This Court has original jurisdiction over the subject action pursuant to 28 U.S.C. § 1331 since there is a federal question. As alleged, this suit falls within the FCRA which thus supplies this federal question.

4. Pursuant to 28 U.S.C. § 1441, et seq., this cause may be removed from the Court of Common Pleas of Allegheny County, Pennsylvania, to the United States District Court for the Western District of Pennsylvania.

5. As of the date of this Notice of Removal, Defendants Trans Union, LLC and TD Bank, USA, N.A. have been served. Counsel for Trans Union has contacted counsel for the Defendant TD Bank, USA, N.A. who has consented to this removal as evidenced by the Consent attached hereto as **Exhibit D**.

6. Notice of this removal will promptly be filed with the Court of Common Pleas, Allegheny County, Pennsylvania and served upon all adverse parties.

WHEREFORE, Defendant Trans Union, LLC, by counsel, removes the subject action from the Court of Common Pleas of Allegheny County, Pennsylvania to this United States District Court, Western District of Pennsylvania.

Respectfully submitted,

s/ Stanley W. Greenfield
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Counsel for Defendant Trans Union, LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing was served on the following parties via First Class, U.S. Mail, postage prepaid, and/or email on the **8th day of February, 2022**, properly addressed as follows:

<u>for Plaintiff Susan Bartko</u> Joshua F. Ward, Esq. Kyle H. Steenland, Esq. J.P. Ward & Associates, LLC 201 South Highland Avenue, Suite 201 Pittsburgh, PA 15206	
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/s/ Stanley W. Greenfield

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